

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**JAMES EDWARD JOHNSON,**  
*Plaintiff*

v.

**BRANDON SALTER, SAMUEL  
NOBLE, KATHERINE ALZOLA,  
and CITY OF AUSTIN, TEXAS,**  
*Defendants*

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**Case No. 1:22-CV-01050-DAE**

**ORDER**

Now before the Court are Defendant City of Austin's Opposed Motion to Quash and for Protection as to Plaintiff's Rule 30(b)(6) Notice of Deposition for Defendant City of Austin, filed February 8, 2024 (Dkt. 33); Plaintiff's Motion to Compel Responses to Interrogatories and Requests for Production from Defendant City of Austin, filed February 9, 2024 (Dkt. 34-2); Plaintiff's Motion to Compel Deposition and Response to Subpoena *Duces Tecum*, filed February 15, 2024 (Dkt. 37); Plaintiff's Motion to Compel Responses to Second Set of Requests for Production from Defendant City of Austin, filed February 16, 2024 (Dkt. 39); the associated response and reply briefs; and the parties' Joint Status Report on Motion to Quash and Motions to Compel, filed by order of the Court on March 1, 2024 (Dkt. 42).<sup>1</sup>

On March 18, 2024, the Court held a hearing on the motions at which all parties were represented by counsel. For the reasons stated during the hearing, the Court:

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<sup>1</sup> By Text Orders entered February 9, 15, 16, and 20, 2024, the District Court referred the motions to this Magistrate Judge for disposition, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas.

- **GRANTS** Defendant City of Austin's Opposed Motion to Quash and for Protection as to Plaintiff's Rule 30(b)(6) Notice of Deposition for Defendant City of Austin (Dkt. 33) as to all disputed topics (4, 6, 9, 14-16, and 19-21);<sup>2</sup>
- **DENIES** Plaintiff's Motion to Compel Deposition and Response to Subpoena *Duces Tecum* (Dkt. 37) and Second Set of Requests for Production from Defendant City of Austin (Dkt. 39);<sup>3</sup> and
- **GRANTS IN PART AND DENIES IN PART** Plaintiff's Motion to Compel Responses to Interrogatories and Requests for Production from Defendant City of Austin (Dkt. 34-2), as detailed below.

The Court **GRANTS** Plaintiff's Motion to Compel as to Request for Production 10 and **ORDERS** the City of Austin to produce documents responsive to that request **by March 29, 2024**.

Pursuant to the parties' agreement, subject to the limitations and revisions described in the Joint Status Report (Dkt. 42), the Court also **ORDERS** the City of Austin to:

- Answer Interrogatories 1, 6, 8, 9, 14, and 15, subject to its objections identified in the Joint Status Report, and
- Produce all documents in its, possession, custody, or control responsive to Request for Production 51, as substituted, and: "All police reports and all documents created by, associated with, or saved into an investigation file by Special Investigation Unit, Internal Affairs, Force Review Unit, Supervisor Incident Review, or any Response to Resistance Review where the investigation arose from a use of force by an APD officer during the period August 22, 2018 through August 22, 2021 where any APD officer reported that the use of force was level 1, level 2, or both; where any APD officer reported that the use of force was weaponless involving a head strike, was a CED, or both; and where any APD officers reported that an emotionally disturbed person, welfare check, emergency detention, and/or mentally unstable person was involved as the subject."

**by March 22, 2024.**

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<sup>2</sup> The City of Austin has withdrawn its objections to Topic 3. Dkt. 42 at 3.

<sup>3</sup> Plaintiff has withdrawn its Motion to Compel as to Requests for Production 51 and 55 through 62

The Court **DENIES** Plaintiff's Motions to Compel as to disputed Interrogatories 4 and 5 and Requests for Production 3, 50, and 66-70.

It is **ORDERED** that the Clerk **REMOVE** this case from this Magistrate Judge's docket and **RETURN** it to the docket of the Honorable David A. Ezra.

**SIGNED** on March 18, 2024.

  
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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE